

CITY OF RENSSELAER

# SUBDIVISION REGULATIONS

JANUARY 1979

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## ARTICLE I

## AUTHORITY FOR SUBDIVISION CONTROL

## Section 1

## Application

By ordinance adopted on the 15th day of December 1976 , by the Common Council of the City of Rensselaer, the Planning Commission of the City of Rensselaer has the authority to approve, modify, and disapprove plats for subdivision within the City of Rensselaer and to assume all other powers and duties as prescribed by the General Municipal Law of the State of New York. All subdivision plats hereinafter submitted to the Planning Commission of the City of Rensselaer for review and approval shall be governed by and subject to the provisions of these regulations.

A comprehensive amendment of these regulations was adopted by the Planning Commission of the City of Rensselaer on 2 January 1979 and approved by the Common Council on 3 January 1979.

## ARTICLE II

## DECLARATION OF POLICY

## Section 1

## Objective

It is declared to be the policy of the Rensselaer City Planning Commission to consider land subdivision plats as part of a plan for the orderly, economic, and efficient future growth and development of the City. The following objectives shall guide

the Planning Commission's decisions as related to the public health, safety, and welfare:

- A. Land to be subdivided and developed shall be of such character that it can be used safely for building purposes without danger to health, or peril of fire, flood, or other menace.
- B. Proper provision shall be made for water supply, drainage, sewerage, and other needed improvements and utilities.
- C. All proposed development shall be so designed as to be in harmony with the development pattern of adjacent properties.
- D. Proposed streets shall compose a convenient system conforming to the Comprehensive Master Plan and shall be of such width, grade, and location as to accommodate present and prospective traffic.
- E. All development shall be designed to facilitate adequate fire and emergency protection and provide access for firefighting and related equipment.
- F. Proper provision shall be made for permanent reservation of open spaces for parks and playgrounds and for the protection of natural drainage and significant historical and environmental features.
- G. Future development shall bear a fair share of the capital costs to the City for municipal improvements servicing such new development.

## ARTICLE III

## TERMINOLOGY

## Section 1

## Rules for Construction of Language

- A. Words used in the present tense include the future.
- B. Words used in the singular number include the plural, for example the word "plat" includes the word "plats", and words used in the plural number include the singular, for example the word "streets" includes the word "street", unless the context clearly indicates the contrary.
- C. The word "shall" is always mandatory. The word "may" is permissive.
- D. A "building" or "structure" includes any part thereof. "Building or other structure" includes all other structures of every description regardless of dissimilarity to conventional building forms.
- E. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- F. The word "person" includes a partnership or corporation as well as an individual.
- G. The word "lot" includes the word "plot" or "parcel".

## Section 2

## Definitions

For the purpose of these regulations, certain words and terms used herein are defined as follows:

CLERK OF THE PLANNING COMMISSION. The Director of the Rensselaer Planning and Development Agency is designated to perform the duties of the Clerk of the Planning Commission for purpose of these regulations.

COLLECTOR STREET. A street which carries traffic from local streets to the major system of arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

CUL-DE-SAC STREET. A street with only one means of vehicular ingress and egress and with a turnaround at its terminus.

DESIGNATED CITY ENGINEER. That licensed professional engineer, either employee or consultant, who shall be chosen by the Planning Commission to perform the duties of the designated City Engineer for purposes of these regulations.

EASEMENT. An acquired right of use on the property of another, for a specified purpose on a designated part of that property.

IMPROVEMENTS. A physical change to the land or installation of certain services necessary to produce usable and desirable lots, blocks, or sites from raw acreage, including, but not limited to, water and sewer, grading, pavement, curbs, gutters, storm sewers and drains, and betterments to existing water courses, sidewalks, street signs, shade trees, sodding or seeding and monuments.

INTERIOR LOTS. A lot enclosed on all sides by other lots and not abutting a public street.

MARGINAL ACCESS STREET. A local street which is parallel to and adjacent to a major artery and which provides access to abutting properties and protection from through traffic.

MAJOR ARTERY. An arterial street which serves or is designated to be used primarily for fast or heavy traffic.

LOCAL STREET. A street intended to serve primarily as access to abutting properties.

MASTER PLAN. A comprehensive plan for the general physical development of the City of Rensselaer, prepared and adopted by the Planning Commission pursuant to City Law.

PLANNING COMMISSION. The Planning Commission of the City of Rensselaer, Rensselaer County, New York.

PRELIMINARY PLAT. The maps, drawings, and charts showing the layout of a proposed subdivision, as specified in Article VII, Section 3 of these regulations, submitted to the Planning Commission for approval prior to submission of the plat in final form and of sufficient detail to apprise the Planning Commission of the layout and improvements of such proposed subdivision.

SKETCH PLAN. A sketch of a proposed subdivision showing the information specified in Article VII, Section 2 of these regulations, to enable the subdivider to save time and expense in reaching general agreement with the Planning Commission as to the form of the layout and the objective of these regulations.

STREET. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, artery, avenue, boulevard, lane, place, drive, or however otherwise designated.

STREET PAVEMENT. The exposed surface of the roadway used by vehicular traffic.

STREET WIDTH. The width of the right-of-way or the distance between property lines on opposite sides of a street, measured at right angles to the centerline of such street.

SUBDIVIDER. Any person, firm, corporation, partnership, or association which shall layout for the purpose of development and/or sale any subdivision as defined herein, either for himself, itself, or for others.

→ SUBDIVISION. The division of any parcel of land into two (2) or more lots, plots, sites, or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. Such division shall include resubdivision of parcels of land for which an approved lot has already been filed in the office of the County Clerk and which is entirely or partially undeveloped. For the purpose of these Land Subdivision Regulations, a parcel shall be considered already to have been divided into two (2) or more lots by one (1) or more public streets or railroads or utility rights of way held in fee simple.

- A. MINOR SUBDIVISION. Any subdivision containing not more than four (4) lots, each of at least the minimum size permitted by the Zoning Law, each fronting on an existing street, not involving any new street or road or the extension of municipal facilities, not adversely affecting the development of the remainder of the parcel or adjoining properties, and not in conflict with any provision or portion of the Master Plan, Official Map, Zoning Law, or these regulations.
- B. MAJOR SUBDIVISION. Any subdivision not classified as a Minor Subdivision including, but not limited to subdivisions of five (5) or more lots, or any size subdivision requiring any new street or extension of City facilities.



SUBDIVISION PLAT OR FINAL PLAT. The final maps, drawings and charts of the subdivier's plan of subdivision containing all information or details required by law and by these regulations as presented to the Planning Commission for approval and which, if approved, will be submitted to the Rensselaer County Clerk for filing and recording.

SURVEYOR, LAND. A person licensed as a land surveyor in the State of New York.

#### ARTICLE IV

#### PROCEDURE FOR APPROVAL OF LAND SUBDIVISION

##### Section 1

##### General

Whenever any subdivision of land is proposed, and before any contracts for the sale of, or any offer to sell any lots in such subdivision or any part thereof, is made, and before any permit for the erection of any structure in such proposed subdivision shall be granted, the subdivider or his duly authorized agent shall apply in writing for approval of such proposed subdivision in accordance with the following procedures.

##### Section 2

##### Preapplication and Classification

A. SUBMISSION OF SKETCH PLAN. Any owner of land shall prior to subdividing land, submit to the Clerk of the Planning Commission at least ten (10) calendar days prior to the regular meeting of the

# Subdivision Review Procedure

start

APPLICANT'S DECISION TO SUBDIVIDE

PREFILING CONFERENCE  
W/RPDA DIRECTOR

SKETCH PLAN  
SUBMITTED TO PLANNING COMMISSION  
FOR COMMENT AND CLASSIFICATION

IF MINOR

COORDINATE W/RENSSELAER  
COUNTY HEALTH DEPARTMENT  
AND  
COMPLY W/SEQR PROCEDURE

6 months

FINAL PLAT  
SUBMITTED

45 days

PUBLIC HEARING HELD

45 days

PLANNING COMMISSION ACTION

DISAPPROVAL APPROVAL CONDITIONAL APPROVAL

60 days

end

PLAT FILED WITH  
COUNTY CLERK

60 days

CONDITIONS SATISFIED

AUTHORIZED PLANNING COMMISSION  
OFFICER SIGNS PLAT

180 days w/2 possible  
extensions of 90 days each

IF MAJOR

COORDINATE W/RENSSELAER  
COUNTY HEALTH DEPARTMENT  
AND  
COMPLY W/SEQR PROCEDURE

6 months

PRELIMINARY PLAT  
SUBMITTED

45 days

PUBLIC HEARING HELD

45 days

PLANNING COMMISSION ACTION

APPROVAL W/MODIFICATIONS APPROVAL DISAPPROVAL

6 months

6 months

FINAL PLAT  
SUBMITTED

45 days

45 days

SECOND PUBLIC HEARING IF FINAL  
PLAT NOT IN SUBSTANTIAL  
AGREEMENT W/PRELIMINARY PLAT

45 days

Planning Commission two (2) copies of a sketch plan of the proposed subdivision, which shall comply with the requirements of Article VII, Section 1 of these regulations for purposes of classification and preliminary discussion.

B. DISCUSSION OF REQUIREMENTS AND CLASSIFICATION. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.

Classification of the Sketch Plan is to be made at this time by the Planning Commission as to whether it is a Minor or Major Subdivision as defined in these regulations. A notation regarding classification shall be made by the Planning Commission directly on the Sketch Plan. The Planning Commission may require, however, when it deems necessary for protection of the public health, safety, and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivision. If the Sketch Plan is classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article VII, Section 1 of these regulations. If it is classified as a Major Subdivision, the subdivider shall then comply with the procedures outlined in Article IV, Sections 4 and 5.

C. STUDY OF SKETCH PLAN. The Planning Commission shall within thirty (30) calendar days after submission determine whether the Sketch Plan meets the objectives of these regulations and shall, where it deems necessary, make in writing specific recommendations to the applicant.

- D. LIMITATION. Preapplication does not require formal application to the Planning Commission or the payment of a fee, nor does it allow filing of a plat with the County Clerk.

### Section 3

### Approval of Minor Subdivision Plat

- A. APPLICATION AND FEE. Within six (6) months of classification by the Planning Commission of a proposed subdivision as a Minor Subdivision, the subdivider shall submit an application for approval of a Minor Subdivision Plat. The Plat shall conform to the layout shown on the sketch plan plus any recommendations made by the Planning Commission. Said application shall also conform to the requirements listed in Article VII, Section 1. All applications for Plat Approval for a Minor Subdivision shall be accompanied by the minimum fee of fifty dollars (\$50.00). or twenty dollars (\$20.00) per residential single-family lot, whichever shall be greater. Plats for commercial, industrial or multi-family developments shall be accompanied by a fee computed on the basis of fifty dollars (\$50.00) per acre subdivided.
- B. NUMBER OF COPIES. The application for approval of a Minor Subdivision Plat, complete with five (5) copies of the Subdivision shall be filed with the Clerk to the Planning Commission.
- C. SUBDIVIDER TO ATTEND PLANNING COMMISSION MEETING. The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Minor Subdivision Plat.
- D. APPROVAL PROCEDURE.
1. Within forty-five (45) calendar days of the receipt of the Subdivision Plat by the Clerk of the Planning Commission, the Planning Commission shall hold a public hearing on such Plat.

2. Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the City at least five (5) calendar days before such hearing.
3. Within forty-five (45) calendar days from the date of such public hearing, the Planning Commission shall act by resolution on the Subdivision Plat. The Planning Commission shall either approve, conditionally approve with or without modification, or disapprove the Plat. The Commission shall specify in writing its reasons for any such disapproval. In the event that the hearing is not held, or if the Commission fails to disapprove the Subdivision Plat within forty-five (45) calendar days, as prescribed above, the Plat shall be deemed approved. The time in which the Planning Commission must take action may only be extended by mutual consent of the owner and the Planning Commission.
4. Upon approval, the Subdivision Plat shall be properly signed by the duly authorized person or persons and shall be filed by the applicant in the office of the County Clerk. Any Minor Subdivision Plat not so filed, or recorded within sixty (60) calendar days of the date upon which such Plat is approved, or considered approved by reason of the failure of the Planning Commission to act, shall become null and void. If conditional approval is granted, the Planning Commission shall empower a duly authorized person or persons to sign the Plat upon compliance with such

conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) calendar days of the resolution granting conditional approval, the Plat shall be certified by the Clerk of the Planning Commission as conditionally approved, and a copy filed in his office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider, shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Conditional approval of the Plat shall expire one hundred-eighty (180) calendar days after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Commission, however, may extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted, for a time not to exceed two additional periods of ninety (90) calendar days each.

#### Section 4

#### Approval of Preliminary Plat for Major Subdivision

A. APPLICATION AND FEES. Prior to the filing of an application for the approval of a Major Subdivision Plat the subdivider shall file an application for consideration with a Preliminary Plat of the proposed subdivision. Such Preliminary Plat shall be clearly marked "Preliminary Plat" and shall be in the form prescribed by Article VII, Section 3, hereof. The Preliminary Plat shall, in all respects, comply with the requirements of Sections 32 and 33 of the General City Law, and as set forth in these regulations, except where a waiver may be

specifically authorized by the Planning Commission.

Payment of a fee shall accompany all applications for approval of a Preliminary Plat and shall be computed on the basis of twenty dollars (\$20.00) per residential single-family lot. Plats for commercial, industrial or multi-family developments shall be accompanied by a fee computed on the basis of fifty dollars (\$50.00) per acre.

Fees are not refundable, and shall be in addition to fees charged by the Building and Zoning Administrator or the Department of Public Works, but shall not be duplicated by site plan review fees required under the Zoning Law.

B. ,PURPOSE. The Preliminary Plat and the supporting documents for a proposed subdivision constitute the material to be officially submitted to the Planning Commission. Later one copy shall become the official record of the City Clerk. They show the layout of the subdivision and its public improvements, so that the Planning Commission can indicate its approval or disapproval of the subdivision prior to the time that the Final Plat, including design and detailing of the public improvements and utilities, is completed. Approval of the Preliminary Plat does not constitute an approval of the Final Plat, nor should it be considered a valid basis for the construction of site improvements or other commitments which depend upon its design characteristics.

When revision of the proposed subdivision is required, the Preliminary Plat shall be revised accordingly, so that the file of the Planning Commission and other officials will be current.

The preliminary layout shall serve as a key map to subdivisions subsequently laid out in sections or phases on final plats.

C. NUMBER OF COPIES. The application for approval of the Preliminary Plat shall be filed with the Clerk of the Planning Commission. A proposed submission which does not include all the required drawings and documents shall not be considered for such filing.

D. SUBDIVIDER TO ATTEND PLANNING COMMISSION MEETING. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Preliminary Plat.

E. APPROVAL PROCEDURE.

1. Within forty-five (45) calendar days of receipt of the Preliminary Plat by the Clerk of the Planning Commission, the Planning Commission shall hold a public hearing on such Preliminary Plat.
2. Notice of the public hearing shall be advertised at least once in a newspaper of general circulation in the City at least five (5) calendar days before such hearing.
3. Within forty-five (45) calendar days from the date of such public hearing, the Planning Commission shall act by resolution on the Preliminary Plat. The Planning Commission shall either approve, with or without modifications, or disapprove the Preliminary Plat. The time in which the Planning Commission must take action may only be extended by mutual consent of the owner and the Planning Commission. Failure to take action on a Preliminary Plat within the time prescribed therefor shall be deemed approval of the Plat. When approving a Preliminary Plat, the Planning Commission shall state in writing the modifications it deems necessary for submission of the Plat in final form with respect to (1) the specific changes which it will require in the Preliminary Plat, (2) the character and extent of the



required improvements which in its opinion may be waived without jeopardy to the public health, safety, and general welfare, and (3) the categories of improvements or the amount of all bonds therefor which the Planning Commission shall require as a prerequisite to approval of the Final Plat. The action of the Planning Commission plus any conditions attached thereto shall be noted on three (3) copies of the Preliminary Plat. One (1) copy shall be returned to the subdivider, one (1) shall be retained by the Planning Commission and One (1) forwarded to the Common Council, through the City Clerk. Prior to the approval of the Final Plat, the Planning Commission may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at the public hearing.

## Section 5

### Approval of Final Plat for Major Subdivision

A. APPLICATION. Following approval, with or without modification, of the Preliminary Plat, the subdivider shall prepare a Final Plat, together with all other supplementary documents, in accordance with Article VII, Section 4 of these regulations.

The Final Plat and other supplementary documents shall be filed with the Clerk of the Planning Commission together with a written application for final approval, within six (6) months after approval, with or without modification, of the Preliminary Plat, unless such time limit is extended by mutual consent of the applicant and the Planning Commission.

B. PARTIAL DEVELOPMENT. If desired by the subdivider, the Final Plat may consist of that portion only of the approved Preliminary Plat which is proposed for recording and development at the time, provided that such portion conforms to all applicable requirements of these regulations and that the subdivision is being submitted for approval progressively in contiguous sections satisfactory to the Planning Commission.

C. PURPOSE. The Final Plat and the supporting documents for a proposed subdivision constitute the complete development of the subdivision proposal. After public hearing, as required, and approval by the Planning Commission, this complete submission along with the performance bond and the general liability insurance policy, as approved by the Common Council, becomes the basis for the construction of the subdivision and the inspection services by the Planning Commission and by the designated City Engineer or other delegated City officials.

D. NUMBER OF COPIES. The application for approval of the Final Plat, complete with five (5) copies of the Final Plat, shall be filed with the Clerk of the Planning Commission.

E. APPROVAL PROCEDURES.

1. Within forty-five (45) calendar days of the receipt of the Final Plat by the Clerk of the Planning Commission, the Planning Commission shall hold a public hearing, if required, on such Final Plat. Such hearing shall be advertised at least once in a newspaper of general circulation in the City at least five (5) calendar days before such hearing, provided, however, that when the Planning Commission deems the Final Plat to be in substantial agreement with a Preliminary Plat approved under

Section 4 of this Article, and modified in strict accordance with requirements of such approval, if such Preliminary Plat has been approved with modification, the Planning Commission may waive by resolution the requirement for such public hearing.

2. Within forty-five (45) calendar days from the day of such public hearing, or from the date of submission if no such hearing is held, the Planning Commission shall act by resolution on the Final Plat. The Planning Commission shall either approve, conditionally approve with or without modification, or disapprove the Final Plat. The time in which the Planning Commission must take action may only be extended by mutual consent of the owner and the Planning Commission. Failure to take action on a Final Plat within the time prescribed therefor shall be deemed approval of the Plat.

If conditional approval is granted, the Planning Commission shall empower a duly authorized person or persons to sign the Plat upon compliance with such conditions and requirements as may be stated in its resolution of conditional approval. Within five (5) calendar days of the resolution granting conditional approval, the Plat shall be so certified by the Clerk of the Planning Commission as conditionally approved, and a copy filed in his office, and a certified copy mailed to the subdivider which copy shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved Plat. Conditional approval of a Plat shall expire one hundred-eighty (180) calendar days

after the date of the resolution granting such approval unless the requirements have been certified as completed within that time. The Planning Commission may, however, extend the time within which a conditionally approved Plat may be submitted for signature, if in its opinion such extension is warranted, for a time not to exceed two additional periods of ninety (90) calendar days each.

F. FINAL APPROVAL AND FILING. Upon completion of the requirements in Article IV, Section 5 and Article V, Sections 1 and 2, and notation to that effect upon the Subdivision Plat, the Subdivision Plat shall be deemed to have final approval and shall be properly signed by the duly-designated officer of the Planning Commission upon receipt of notification that the required bond and insurance has had the approval of the Common Council. The Final Plat may then be filed by the applicant in the Office of the Rensselaer County Clerk. Planning Commission approval of a Final Plat shall not be deemed an acceptance by the City of any street or other land shown as offered for cession to public use.

G. EXPIRATION OF APPROVAL. The final approval of a Final Plat, or the certificate of the City Clerk as to the failure of the Planning Commission to act within the time required by law, shall expire within sixty (60) days after the date of the Planning Commission resolution authorizing the duly-designated officer of the Planning Commission to sign the drawings, or from the date the certificate is issued, unless filing of the plat or a section thereof is accomplished within that time period in the Office of the Rensselaer County Clerk in accordance with Section 32 of the General City Law. Upon application by the subdivider, the Planning Commission may extend the time for filing and recording such Plat if in its opinion

such extension is warranted by the particular circumstances thereof, for a time not to exceed two (2) additional periods of ninety (90) calendar days each. Expiration of an approval shall mean that any further action shall require payment of a new filing fee as well as Planning Commission review of all previous findings. On and after such expiration of Plat approval, any formal offers of cession submitted by the subdivider shall be deemed to be invalid, void, and of no effect.

H. FILING IN SECTIONS. At the time the Planning Commission grants Plat approval, it may permit the Plat to be divided into two (2) or more sections subject to any conditions the Commission deems necessary in order to insure the orderly development of the Plat. In these circumstances the applicant may file a section of the approved Plat with the County Clerk. Plat approval on the remaining sections of the plat shall continue in effect for a period of three (3) years from the filing date of the first section. When a plat is filed by section with the County Clerk, the applicant shall, within thirty (30) calendar days, file with the City Clerk the entire approved Preliminary Plat. The subdivider shall not be permitted to begin construction of buildings in any other section until such section has been filed in the Office of the County Clerk and the required improvements have been installed and approved in such section or a bond covering the cost of such improvements has been posted.

## Section 6

## Building Permits and Certificates of Occupancy

A. Upon the posting of a satisfactory performance bond or upon certification of completion or installation of all required improvements to the satisfaction of the Common Council, in

accordance with Article V, Section 2 of these regulations, and upon Planning Commission approval of the Final Plat, the subdivider may be issued building permits for the construction of buildings in accordance with the approved Subdivision Plat and the Zoning Law.

- B. Upon completion of all required public improvements to City standards and upon certification of such as provided in Article V, Section 2 of these regulations, the subdivider may be issued certificates of occupancy for any buildings constructed in the subdivision.
- C. No such certificates of occupancy shall be issued until grading, respreading of topsoil and seeding has been completed in accordance with Article VI, Section 1, unless a performance bond in an amount sufficient to guarantee the proper grading of the property, the respreading of the topsoil and seeding shall have been posted.

## ARTICLE V

### REQUIRED IMPROVEMENTS AND PERFORMANCE BONDS

Any subdivider who proposes to develop a subdivision in the City of Rensselaer shall comply with the regulations provided in this Article regarding the posting of bonds and the construction of utilities and other improvements.

#### Section 1

#### Required Public Improvements

In making determinations regarding the necessity and extent of the installation of public improvements, the Planning Commission shall

take into consideration the prospective character, density and use in the proposed subdivision--whether residential, commercial, or industrial.

A. REQUIRED IMPROVEMENTS. The Planning Commission shall require the installation of the following public improvements in accordance with the City Law, unless it shall specifically waive in writing any such improvements as provided in Article IX, Section 1.

1. Provision for parks, playgrounds, or other public open spaces of adequate size and location for recreational purposes;
2. Paved streets and highways;
3. Street signs and poles;
4. Sidewalks;
5. Street lighting;
6. Curbs and gutters;
7. Street trees;
8. Water mains and fire hydrants;
9. Sanitary sewage disposal;
10. Storm drainage system;
11. Seeding and sodding of planting strips with lawn areas; and
12. Monuments suitable placed and installed.

B. STANDARDS FOR INSTALLATION. All improvements as required by the Planning Commission shall be installed in accordance with standards, specifications, and procedures acceptable to the appropriate City departments or as provided in these regulations.

C. MODIFICATIONS OF DESIGN OF IMPROVEMENTS. If at any time before or during construction of the required improvements it is demonstrated to the designated City Engineer that unforeseen

The Common Council shall then upon recommendation of the Planning Commission notify the subdivider, and if necessary, the bonding company, and take all necessary steps to preserve the City's rights under the bond. No Plat shall be approved by the Planning Commission as long as the subdivider is in default on a previously-approved plat.

## Section 2

### Performance Guarantees for Required Public Improvements

A performance bond or equivalent security shall be delivered to the City to guarantee to the City that the subdivider shall faithfully cause to be constructed and completed within a reasonable time the required public improvements and convey the required lands and improvements, where applicable, to the City free and clear of all encumbrances.

Before the Planning Commission grants final approval of the Final Subdivision Plat, the subdivider shall follow the procedure set forth in either (A) or (B) herein:

- A. PERFORMANCE BOND. In an amount set by the Planning Commission the subdivider shall either file with the City Clerk a certified check to cover the full cost of the required improvements or the subdivider shall file with the City Clerk a performance bond to cover the full cost of the required improvements. Any such bond shall comply with the requirements of Section 33 of the General City Law and further shall be satisfactory to the Common Council and Corporation Counsel as to form, sufficiency, manner or execution and surety. A period of (1) year, or such other period as the Planning Commission may determine appropriate



not exceeding three (3) years, shall be set forth in the bond within which the required improvements must be completed.

If the Planning Commission shall decide at any time during the term of the performance bond that the extent of building development that has taken place in the subdivision is not sufficient to warrant all the improvements covered by such performance bond, or that required improvements have been installed as provided in this Article and by the Planning Commission in sufficient amount to warrant reduction in the face amount of said bond, or that the character and extent of said bond, or character and extent of such development require additional improvements previously waived for a period stated at the time of fixing the original terms of such bond, the Planning Commission may modify its requirements for any or all such improvements, and the face value of such performance bond shall thereupon be reduced or increased by an appropriate amount so that the new face value will cover the cost in full of the amended list of improvements required by the Planning Commission and any security deposited with the bond may be reduced or increased proportionately.

- B. SATISFACTORY COMPLETION CERTIFIED. The subdivider shall complete all required improvements to the satisfaction of the designated City Engineer, who shall file with the Director of Planning and Development and the Planning Commission a letter signifying the satisfactory completion of all improvements required by the Planning Commission. For any required improvements not so completed the subdivider shall file with the City Clerk a bond or certified check covering the costs of such improvements.

Such bond or certified check shall also include the cost of satisfactorily installing any improvements not approved by the designated City Engineer. Any such bond shall be satisfactory to the Common Council as to form, sufficiency, manner of execution and surety.

### Section 3

#### As Built Drawing Required

No required improvements shall be considered to be completed until the installation of the improvements has been approved by the designated City Engineer and a map satisfactory to the Planning Commission has been submitted indicating the location of monuments marking all underground utilities as actually installed. If the subdivider completes all required improvements according to provisions of paragraph (B) above, then said map shall be submitted prior to endorsement of the plat by the authorized Planning Commission officer. However, if the subdivider elects to provide a bond or certified check for all required improvements as specified in paragraph (A) above, such bond or certified check shall not be released until such map is submitted.

### Section 4

#### Maintenance Bonds

The subdivider shall file with the Common Council a maintenance bond in an amount based on a maximum of ten percent (10%) of the performance bond estimate and which shall be adequate to assure the satisfactory condition of the initial public improvements

for a period of one (1) year following their completion and acceptance, where applicable, by the Common Council. Such bond shall be satisfactory to the Corporation Counsel as to form, manner or execution and surety and in an amount satisfactory to the designated City Engineer.

## Section 5

## General Liability Insurance

A. FILING REQUIREMENTS. The subdivider shall file with the Corporation Counsel a General Liability Policy at the same time he files his Performance Bond. The Common Council shall approve the policy as to form. The policy shall be in force during the term of the Performance Bond and shall be extended in conformance with any extension of the Performance Bond.

B. LIMITS OF COVERAGE. The policy shall insure the City and the subdivider, and shall cover all operation in the development involving existence and maintenance of property and buildings and contracting operations of every nature involving all public improvements. Said policy shall have minimum limits of liability of one hundred thousand dollars (\$100,000) for bodily injury to each person and three hundred thousand dollars (\$300,000) liability on the aggregate for each accident, and property damage liability of five thousand dollars (\$5,000) for each accident and twenty-five thousand dollars (\$25,000) aggregate property damage liability or such higher limits as the Planning Commission may require.

## Section 6

## Public Utilities

A. PUBLIC UTILITIES. When public utilities are to be installed, the subdivider shall submit to the Planning Commission written assurance from each public utility company that such company will make the necessary service installation within a time period and according to specifications satisfactory to the Planning Commission.

B. EASEMENTS. The final plat shall show statements by the owner granting all necessary easements or other releases where required for the installation of such public utilities.

## ARTICLE VI

## GENERAL REQUIREMENTS AND SUB-DIVISION DESIGN STANDARDS

## Section 1

## General Requirements

The subdivider shall observe all general requirements for land subdivision as herein provided.

A. CHARACTER OF LAND. Land to be subdivided shall be of such character that in the opinion of the Planning Commission it can be used safely for building purpose without danger to health or peril from fire, flood, or other menace and with a minimum of detrimental effects on the environment.

B. PRESERVATION OF NATURAL FEATURES. The Planning Commission may require the preservation of all natural features which add value to residential, commercial or industrial developments and to the community, such as large trees or wooded areas, water courses and falls, beaches, historic spots, and similar irreplaceable assets.

C. CONFORMANCE WITH OFFICIAL MAP AND MASTER PLAN. Subdivision Plats and improvements provided shall conform to the Official Map and Zoning Law of the City of Rensselaer and shall be in harmony with the Master Plan.

D. MINIMUM LOT AREA. No lot area in a subdivision shall be less than the minimum required by the Zoning Law for the district in which it is located, unless otherwise provided in the Zoning Law or as provided by Article VIII, Section 1 of these regulations.

E. PLATS WITH ACCESS THROUGH OTHER MUNICIPALITIES. Whenever access to a subdivision is by crossing land in another municipality, the Planning Commission may require certificates from authorities having appropriate jurisdiction that such access is adequately improved or that a legally adequate performance bond has been duly posted and is sufficient in amount to assure the construction of the necessary road or roads.

F. REPLATTING. Replatting of all or part of land covered by an existing plat which has been laid out prior to compulsory filing shall comply with these regulations as now required.

G. PRESERVATION OF TOPSOIL. No topsoil shall be removed from any land in any subdivision in the City, except that in areas over which heavy equipment will be operated the topsoil shall be stripped and piled on the property. When final grades have been established and construction activities have been completed, the entire property shall be suitable graded and recovered with topsoil to a depth of at least four (4) inches after rolling, except that portion covered by buildings or included in the roads.

H. WATERCOURSES. Where a watercourse separates a proposed street from abutting property, provision shall be made for access to all lots by culverts or other permanent structures. Where a subdivision

is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way, not less than thirty (30) feet in width. All such structures and right-of-way shall be of design and specification approved by the designated City Engineer and the Commissioner of Public Works.

I. FLOODPLAINS. If any portion of the land within the subdivision is subject to periodic inundation or flood hazard caused by storm water, this portion shall be clearly indicated on any submission required by these regulations. In cases of doubt, the Planning Commission may require the submission of a flood hazard study delineating the limits of the one hundred (100) year flood plain. Such study shall be conducted by a licensed professional engineer.

1. Land subject to flooding, and land deemed by the Planning Commission to be otherwise uninhabitable shall not be platted for residential occupancy nor for any such other use that may increase danger to health, life or property, or aggravate the flood hazard.
2. Any subdivision, including all proposed improvements and construction, shall comply with all applicable provisions of the National Flood Insurance Act of 1968, including all amendments thereto.

## Section 2

## Subdivision Design Standards

The subdivider shall conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be varied from, or waived, only as provided for in Article IX.

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## Section 2

## Subdivision Design Standards

The subdivider shall conform to all subdivision design standards as herein provided. These standards shall be considered minimum standards and shall be varied from, or waived, only as provided for in Article IX.

## A. LOTS.

1. LOTS TO BE BUILDABLE. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Law, there will be no foreseeable difficulties for reasons of topography or other natural conditions.
2. DEEP LOTS. Lots shall not be of unreasonable depth, but if such depth is unavoidable, provision should be made whenever possible in the layout of the subdivision for streets which may be added later through resubdivision to serve the development of the rear portion of such deep lots.
3. CORNER LOTS. Corner lots shall generally be of greater than the minimum area specified by the Zoning Law so as to be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line on both streets, as well as side yard requirements, for the zoning district in which the lot is located.
4. DOUBLE-FRONTAGE LOTS. Lots whose frontage and rear lot lines abut two (2) separate and approximately parallel streets shall be avoided except in residential areas abutting major arteries. In such cases, a planting screen easement at least ten (10) feet wide with no right of access to the lot shall extend along the lot line abutting the major artery right of way.
5. MINIMUM LOT AREA AND WIDTH. Each lot shall be no smaller than the minimum area required by the Zoning Law for the district in which it is located. The minimum lot width shall be measured at the rear line of the required front yard.
6. SIDEYARD LINES. All side yard lines of lots shall be substantially at right angles to straight street lines,



and radial to curved street lines.

7. DRIVEWAY ACCESS. Whenever possible, lots shall be laid out so that driveways have access to a street which is intended to carry the least traffic. Driveway grades between the street pavement and the building setback line shall not exceed ten percent (10%).
8. ACCESS FROM PUBLIC STREETS.
  - a. The subdivision of land shall be such as to provide, by means of public streets, each lot with a satisfactory access to an existing public street.
  - b. Double-frontage and reverse-frontage lots should be avoided. Reverse-frontage lots which have their rear yard abutting collector or major streets shall be provided with effective natural screening along the full width of the rear property line to screen the rear from adjacent traffic.
  - c. A lot of less than two hundred (200) feet frontage on a designated State highway or arterial shall be so designed as to share a common curb-cut with an adjacent lot, if either adjacent lot has not been previously granted a curb-cut permit. When more than three (3) lots are proposed to be subdivided from a parcel with frontage on a designated State highway or arterial ( or there is a possibility of creating four (4) or more lots equal in size to the average area of the lots proposed for subdivision), frontage for all such lots shall be on internal streets, not on the designated State highway or arterial. Each lot permitted to front on the designated State highway or arterial shall provide

for an improved on-site turnaround so as to obviate the necessity of any vehicle from backing onto such highway.

9. ACCESS FROM PRIVATE STREETS. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with Article VI, Section 2 (B) of these regulations.
10. BLOCK DESIGN. Each block shall normally be designed to provide two (2) rows of lots, but irregularly-shaped blocks indented by cul-de-sac streets and which contain interior parks shall be acceptable when properly designed and if the maintenance of such interior parks is provided for in covenants and agreements acceptable to the Planning Commission.

B. STREETS.

1. GENERAL OBJECTIVES. Streets shall be of sufficient width, suitably located, and adequately constructed to conform with the Comprehensive Master Plan, and to accommodate the prospective traffic and afford access for fire fighting, snow removal, and other road maintenance equipment. The arrangement of streets shall be a convenient system, causing no undue hardship to adjoining properties and rendering no property inaccessible from an existing public street or from a proposed street in a subdivision for which a bond or other performance guarantee has been posted.
2. ARRANGEMENT. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets into adjoining properties which are not

yet subdivided, by use of stub street, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where, in the opinion of the Planning Commission, topographic or other conditions make such continuance undesirable or impracticable, the above conditions may be modified. The subdivision street traffic network shall provide on orderly local access progression from marginal streets to collector streets to main highway and shall include a continuous network of public pedestrian walks, either independent or incorporated within vehicular rights-of-way, connecting all properties and public areas.

3. STREET WIDTHS. Streets shall have the following right-of-way and paving widths:

	<u>Right-of-way</u>	<u>Paving Width</u>
Collector Street	60 feet	30 feet
Local Street	50 feet	24 feet
Marginal Access Street	50 feet	20 feet

The right-of-way width for internal roads in multi-family, commercial and industrial developments shall be determined on an individual basis, and shall in all cases be of sufficient width and design to accommodate safely the maximum anticipated traffic, parking, loading and emergency service needs.

The amount of street width apportioned to planting strips and to sidewalks may vary with the character of the proposed subdivision and shall be subject to the approval of the

Planning Commission.

4. PAVEMENTS, DRAINS, AND CULVERTS. All pavements, drains, culverts and other street improvements required by the Planning Commission shall conform to City specifications.
  5. MARGINAL ACCESS STREETS. Where the proposed subdivision contains or is adjacent to an existing or proposed major arterial street, the Planning Commission may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
  6. LOCAL STREETS. Local streets shall be laid out in a manner to discourage their use by through traffic. Local and collector street openings onto a major artery shall normally be at least five hundred (500) feet apart.
  7. STREET CONNECTIONS. Subdivisions containing twenty (20) lots or more shall have at least two(2) connections with existing public streets, with streets shown on the Official Map, if such exists, or streets on an approved Subdivision Plat for which a bond or other performance guarantee has been posted.
  8. GRADES AND CURVES. Grades of all streets shall conform to the general terrain and shall be no less than one-half of one percent (0.5%), nor more than seven percent (7%), except that local street with grades up to ten percent (10%) may be approved by the Planning Commission.
- C. PARKS AND OPEN SPACE . Adequate provision for parks and other public open space purposes shall be made in any residential subdivision of five (5) or more lots throughout the City of

Rensselaer.

1. AMOUNT OF LAND DEDICATED. In general, the Planning Commission shall require that not less than one (1) acre of park and public open space land per thirty (30) dwelling units be shown on the Plat. However, in no case, shall the amount required be more than ten percent (10%) of the total area of the subdivision. The minimum area of contiguous public open space acceptable for this use shall be one (1) acre. A smaller open space may be approved by the Planning Commission if the difference in area between the space offered and the one (1) acre minimum may be provided by future subdivision of adjacent land. All lands designated on the plat as park or open space area shall be subject to such conditions as the Planning Commission may establish on the subdivision concerning access, preservation of the land, in perpetuity, for their intended purposes. Such conditions shall be clearly noted on the plat prior to plat approval and recording.
2. INFORMATION TO BE SUBMITTED. In the event that an area to be used for park or public open space is required to be shown, the subdivider shall submit to the Planning Commission, prior to final approval, drawings at a scale of not less than twenty (20) feet to the inch of such area and the following features thereof:
  - a. The boundaries of said area, giving lengths and bearings of all straight lines; radii; lengths, central angles and tangent distances of all curves.
  - b. Existing features such as streams, ponds, clusters of trees, rock outcrops and structures.

- c. Existing and, if applicable, proposed changes in grade and contours of said area and of area immediately adjacent and within one hundred (100) feet.
- d. Plans for improvements of said area, not limited to grading, seeding, fencing, landscaping and the provision of play and related equipment.

3. PAYMENT IN LIEU OF DEDICATION. In cases where because of size, topography, or location of the subdivision, the requirement for land dedication or reservation for parks and public open spaces would be unreasonable or undesirable, the Planning Commission may alternately require, under Section 33 of the City Law, that a payment be made into a special fund for City recreation site acquisition and/or improvement in lieu of such land dedication.

Such payment shall be a condition of approval of the plat and be computed on the basis of two hundred fifty dollars (\$250.) per proposed dwelling unit in the project. No plat shall be signed by the authorized officer of the Planning Commission until such payment is made.

D. PUBLIC IMPROVEMENTS AND UTILITIES.

- 1. PLACEMENT. Underground public improvements required by the Planning Commission in accordance with Article V, Section 1, and public utilities shall be placed in the streets right-of-way between the street paving and the right-of-way line. Where topography makes such placement impracticable, a perpetual unobstructed easement at least fifteen (15) feet in width shall be provided for along lot frontage abutting the street lines, with satisfactory access to the street provided. Whenever possible, easements shall be continuous

from block to block and their layout shall be as regular as possible. Subject to the discretion of the Common Council, as underground public improvement or utility operated for revenue by the City or by a special district may be installed by the City in a private street, provided a public easement of satisfactory size is obtained for such improvement or utility. Before a subdivision street is paved, the subdivider shall install underground service connections for all required public improvements to the property line of each lot within the subdivision.

2. SERVICE CONNECTIONS.

- a. WATER. Where an appropriate public water main already exists and is accessible, the subdivider shall connect into said main and provide a water connection for each lot. Where an appropriate water main does not exist or is not accessible, the subdivider shall install at his own expense such main together with all necessary valves, cutoffs, fire hydrants, pumps, storage tanks, meters and other equipment necessary to make such water system conform to the standards of the City and the Rensselaer County Department of Health.
- b. SANITARY SEWERS. Where an appropriate public sanitary sewer already exists and is accessible, the subdivider shall connect into said sewer and provide a sewer connection for each lot. Where an appropriate sanitary sewer does not exist or is not accessible, the subdivider shall install at his own expense such sewer together with all appurtenances necessary to make such sewer system conform to the standards of the City and the Rensselaer County Department of Health.

- c. STORM AND DRAINAGE SEWER SYSTEM. The subdivider shall install all necessary storm drainage sewer and appurtenant facilities at his expense, in accordance with standards of the City and all authorities having jurisdiction. Where an appropriate storm drainage system is reasonably accessible, the subdivider shall make proper connection thereto, otherwise the subdivider shall provide appropriate means and methods for storm water runoff satisfactory to the Planning Commission and all other authorities having jurisdiction.
- The drainage system shall be large enough to accommodate potential runoff from the entire upstream drainage area whether inside or outside of the subdivision. The designated City Engineer shall approve the design and size of facilities based on anticipated runoff from a "twenty year" storm under conditions of total potential development permitted by the Zoning Law in the watershed. The cost of the culvert or other drainage facility in excess of that required for the particular subdivision may be deemed to be the responsibility of the City, or may be prorated among the upstream property owners.
- The subdivider's engineer shall also study and report on the effect of each subdivision on the existing downstream drainage system outside the area of the subdivision; and this report shall be reviewed by the designated City Engineer. When it is anticipated that additional runoff incident to the development of the subdivision will overload an existing downstream



drainage facility during a "twenty year" storm, the Planning Commission shall notify the Common Council of such potential condition. In such case, the Planning Commission shall not approve the Plat until provision has been made for the improvement of said conditions.

E. PEDESTRIAN WAYS.

1. SIDEWALKS ON COLLECTOR ROADS. All streets designated as collector roads shall have a four-foot wide sidewalk on both sides of the street. All such sidewalks shall be so placed that there will be a minimum distance of three (3) feet between the sidewalks and the street paving and a minimum distance of four (4) feet between the inner edge of the sidewalk and the right-of-way line. Planting of street trees will be permitted in the space between the sidewalk and the right-of-way line only.
2. SIDEWALKS ON LOCAL STREETS. All local streets shall be provided with a sidewalk on one (1) or both sides of the street at the discretion of the Planning Commission. Such sidewalk shall be located as follows:
  - a. When a sidewalk is to be provided along only one (1) side of a local street, the street paving shall be offset from the right-of-way center line by eight (8) feet. The sidewalk shall be four (4) feet in width and so placed that there will be a minimum distance of three (3) feet between the sidewalk and the street paving and a minimum distance of four (4) feet between the inner edge of the sidewalk and the right-of-way line. Planting of street trees will be permitted, in the space

between the sidewalk and the right-of-way line only.

## ARTICLE VII

## DOCUMENTS TO BE SUBMITTED

Any subdivider who proposes to develop a subdivision in the City of Rensselaer shall submit plats and other documents for approval as provided in this Article.

## Section 1

Submission Requirements for  
Minor Subdivision Plat.

A. In the case of a Minor Subdivision only, the subdivision plat application shall include the following information:

1. An area map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract, and showing the distance to the nearest street intersection. The drawing of the entire tract may be by either deed plot or actual survey.
2. An actual field survey of the boundary lines of the tract being subdivided and the subdivided parcels created, giving complete descriptive data by bearings and distance, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Planning Commission, and shall be referenced and shown on the Plat. The Planning Commission may only modify the requirement for a full field survey pursuant to Article IX, Section 2 of these regulations.
3. Information concerning portions of the land within the

subdivision subject to periodic inundation by storm water or in a wetlands area.

4. A copy of such covenants or deed restriction as are intended to cover all or part of the tract.
5. Assurance that all sanitation and water supply facilities shall be designed to meet the minimum specifications of the City. Evidence of contact with the Rensselaer County Health Department shall be available, if applicable.
6. Proposed subdivision name, City of Rensselaer, Rensselaer County, New York.
7. The date, north point, map scale, name and address of record owner and subdivider.

## Section 2

### Preapplication Submission Requirements of Major Subdivision

A. The preapplication Sketch Plan initially submitted to the Planning Commission shall be based on tax map information or some similarly accurate base map at a scale of not less than two hundred (200) feet to an inch. The entire Sketch Plan shall be shown on one sheet. The Sketch Plan shall show the following information:

1. A vicinity map showing the location of that portion of the tract which is to be subdivided in relation to the entire tract, and the distance to the nearest street intersection. All streets shall also be shown within three hundred (300) feet of the applicant's property.
2. All existing structures, wooded areas, streams and other significant physical features, within the portion to be subdivided and within two hundred (200) feet thereof. If topographic contours are significant, contours shall also be indicated at intervals of not more than ten (10) feet.

All elevations are to be referred to USGS datum with location and description of bench mark included.

3. General statement of soils conditions.
4. The name of the owner and of all adjoining property owners as disclosed by the most recent City real property tax assessment records. Property owners across street also to be shown.
5. The tax map sheet, block and lot numbers, as available from the City Assessor's office.
6. All utilities available, and all streets which are either proposed, mapped or built.
7. The proposed pattern and numbers of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
8. Information on all existing restrictions on the use of land including easements, covenants and zoning district boundaries.
9. All portions of the land within the subdivision subject to periodic inundation or flooding by storm water, including wetlands area.

### Section 3

#### Submission Requirements for Major Subdivision Preliminary Plat

A. Six (6) copies of the Preliminary Plat certified to by a licensed land surveyor and/or professional engineer at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to an inch shall be submitted to the Clerk of the Planning Commission at least ten (10) days prior to the regular meeting of the Planning Commission.

B. The following additional information will be submitted for approval and shall constitute a Preliminary Plat:

1. Information on existing site conditions:
  - a. An actual field survey of the boundary lines of the tract to be subdivided and the subdivided parcels created, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the City Planning Commission, and shall be referenced and shown on the plat;
  - b. Streets right-of-way and widening of right-of-way on the subdivision and within two hundred (200) feet of its boundaries, including name and right-of-way width and location; type, width and elevations of surfacing; any legally-established centerline elevations including those at intersections and other critical points; walks, gutters, curbs, culverts, etc;
  - c. Location, width, identification, purpose, and restrictions upon any other rights-of-way and easements on the subdivision;
  - d. Drainage structures on the subdivision and within two hundred (200) feet of its boundaries, including type of structure and location, invert elevations, gradients, types and sizes of all pipes and all other drainage structures where applicable, including direction of flow;
  - e. Location and size or capacity of all other utility

structures, such as sewer, water, gas mains, and power lines on the subdivision and within two hundred (200) feet of its boundaries;

- f. Where contours affect proposed public improvements, ground elevations on the tract shall be based on a datum plane approved by the designated City Engineer. For land with slope that is less than approximately two percent (2%), spot elevations should be shown at all breaks in grade, along all drainage channels or swales and at selected points not more than one hundred (100) feet apart in all directions; for land that slopes more than two percent (2%), contours should be shown at intervals of not more than two (2) feet;
  - g. Marshes, ponds, streams and all land subject to periodic or occasional flooding, or similar unstable conditions, on the subdivision or within two hundred (200) feet of its boundaries. Indicated shall be location and area covered indicating apparent high water line on date of survey and survey date, and maximum depth of water at critical points;
  - h. Location of rock outcrops, wooded areas, isolated preservable trees, structures and other significant existing features for the proposed subdivision area and within two hundred (200) feet thereof;
  - i. Soil map and report by USDA Soil Conservation Service
2. Information on proposed site development:
- a. STREETS
    - (1) Proposed street name (to be checked prior to submission with the City Clerk to avoid duplication;
    - (2) The width and location of any streets or public

ways or places shown on the Official Map, within the area to be subdivided, together with street profiles of all streets or public ways proposed by the developer;

- (3) Right-of-way width;
- (4) Tentative centerline elevations at intersections and at principal changes in gradient;
- (5) Tentative centerline gradient shown in percent of slope;
- (6) Plans and cross-sections, as detailed by applicable City specifications, showing the proposed location and type of sidewalks; streets lighting standards; street trees; curbs; water mains; sanitary sewers and storm drains; and the size and type thereof; the character, width and depth of pavements and sub-base; the location of manholes, basins and underground conduits; and
- (7) Preliminary design of any bridges which may be required.

b. LOT LAYOUT

- (1) Lot lines and dimensions scaled to the nearest foot;
- (2) Minimum building setback lines and dimensions, and suggested location of buildings and driveways; and
- (3) Lot numbers and lot areas measured to the nearest square foot.

c. EASEMENTS, PARKS, RESTRICTED AREAS AND OTHER IMPROVEMENTS

- (1) Purpose and restrictions;
- (2) Designation of areas and rights-of-way which are to be offered for public dedication or deeded to homeowners' associations or other private corporations

with clear indication of proposed changes in grades and landscaping thereon. The Commission may require special recreational improvements and planting of trees, shrubs, grass, and other landscaping in all areas to be so dedicated.

d. PRELIMINARY STORM WATER DRAINAGE SYSTEM PLAN

- (1) Drainage structures shall be shown on the preliminary plat indicating the approximate location and size of proposed lines and culverts and their profiles, including connection to existing storm system or alternate means of disposal; and
- (2) Outline of watersheds tributary to drainage structures and their approximate area in acres including those which extend beyond the boundaries of the subdivision.

e. PRELIMINARY WATER SUPPLY AND SEWAGE TREATMENT SYSTEM

The approximate location, size and profiles of all proposed water lines, valves, hydrants, and sewer lines, and fire alarm boxes. Connection to existing lines or sewage disposal and treatment as provided in the Public Health Law,

f. EASEMENTS

Where the topography is such as to make difficult the inclusion of any of the required facilities and improvements within the public areas as laid out, the Preliminary Plat shall show the boundaries of proposed permanent easements over or under private property.



g. COVENANTS OR DEED RESTRICTIONS

A copy of all such covenants or deed restrictions as are intended to cover all or part of the tract.

h. TEMPORARY MARKERS

The Planning Commission may require the location of temporary markers adequate to enable the Planning Commission and its staff to locate readily and appraise the basic layout in the field, including markers at the corners of the tract. Unless the subdivision is adjacent to an existing street intersection the distance along a street from one (1) corner of the property to the nearest existing street intersection shall be shown.

Section 4

Submission Requirements for Major  
Subdivision Final Plat

- A. Eight (8) copies of the Final Plat certified by a licensed land surveyor and/or professional engineer at a scale of not more than one hundred (100) but preferably not less than fifty (50) feet to an inch shall be submitted at least ten (10) days prior to the regular meeting of the Planning Commission.
- B. The following information will be submitted for approval and shall constitute a Final Plat:
  - 1. Lot map of the entire subdivision shall be the same as that required on the Preliminary Plat with the following additions:
    - a. LOT LAYOUT:
      - (1) Number identification by a suitable system of consecutive numbers circled and related to the City Tax maps;

- (2) Lot lines with accurate dimensions to the nearest tenth of a foot and bearing to nearest five (5) seconds; and
- (3) Minimum building setback lines dimensioned.

b. SPECIAL PARCELS

- (1) Description of proposed action and use including a note wherever an offer of dedication is being made. For any land which is reserved by the developer, or being transferred to a Homeowners' Association, there shall be submitted with the Subdivision Plat copies of agreements or other documents showing the manner in which such areas are to be maintained and the provisions made therefor;
- (2) Boundary lines with accurate dimensions to the nearest tenth of a foot and bearings to nearest five seconds; and
- (3) Lot areas for each lot measured accurately to the nearest square foot.

2. SURVEY DATA:

- a. Accurate tract boundary lines with bearings and distances;
- b. Survey tie-in with accurate bearings and distances to the nearest established street monuments or other official monuments, which are within reasonable distance of the property. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required

by the Planning Commission, their location noted and referenced upon the Plat;

- c. Special district boundaries as affect the subdivision, referenced to the subdivision survey by accurate bearings and distances;
- d. The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street; and
- e. Accurate dimensions to the nearest tenth of a foot.
- f. MONUMENTS:
  - (1) Accurate location of all monuments (existing, proposed, or to be reset) shall be shown; and
  - (2) Monuments shall be of a type approved by the Planning Commission and shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as may be required. Monuments shall be located at the beginning and end of each curve along one (1) side of the street right-of-way.

### 3. PUBLIC IMPROVEMENT PLAN AND PROFILES

- a. The performance bond or other guarantee and required inspections shall be based on these drawings, the final plat itself, these Subdivision Regulations and other applicable City specifications for such public improvements and utilities.

- b. Unless a specific waiver is requested and granted in writing, the proposed public improvements and utilities shall be considered to comply specifically with these Subdivision Regulations and other applicable City specifications for such public improvements and utilities.
- c. Basic drawing layout requirements are the same as those required for the Preliminary Plat and shall also include rights-of-way, gradients, and directional arrows downhill.
- d. Design of water lines, sewers, streets, bridges and drainage structures shall be prepared by a licensed professional engineer.
- e. Complete drainage system for the entire subdivision, with appropriate development staging for each of the final plat sections, shown graphically and related to all existing drainage features.
- f. UTILITY SYSTEM REQUIREMENTS:
  - (1) Water supply and distribution:
    - (a) Location of source on property or, where piped in, the size of the supply main.
    - (b) Location and size of all distribution mains.
    - (c) Location of fire hydrants.
    - (d) Location of control valves.
  - (2) Design of sanitary waste disposal system shall be indicated in all cases where public or private sewer connections exist or are proposed.

- (3) Location of electric, telephone, cable TV, gas, and other energy-related lines.
- (4) Location and description of outdoor lighting.

g. PROFILE DRAWING REQUIREMENTS

- (1) Drawings shall be prepared with horizontal scale of one (1) inch equals fifty (50) feet and vertical scale of one (1) inch equals ten (10) feet, unless otherwise approved by the Planning Commission.
- (2) All profiles shall show the existing natural grades, the typical cross-section of existing or proposed streets, the centerlines of intersecting streets and a system of survey stations.
- (3) The centerline profile of all proposed streets with dimensions on vertical curves, and notations as to gradient and critical elevations.
- (4) Detailed plans for bridges, culverts and similar structures.
- (5) The invert profile and location of all storm and sanitary drainage structures (manholes, catch basins, etc.) in street rights-of-way, drainage and other easements.

h. RECREATION AND COMMUNITY IMPROVEMENTS:

- (1) Landscape plans prepared by the land planner, landscape architect and/or architect indicating proposed changes in existing grades and landscaping including the following items: play areas, walkways; incidental shelters, lighting, walls, new trees and shrubs (location, caliper and botanical name), and other required improvements.

## 4. CERTIFICATIONS

- a. Certifications of title showing that the applicant is the owner.
- b. Written offers of cession to the City for all public streets, rights-of-way and open spaces shown on the subdivision plat and copies of agreement or other documents showing the manner in which open spaces, title of which is reserved by the subdivider, are to be maintained. All offers of cession and covenants governing the maintenance of uncaded open space shall bear the certificate of approval of the Corporation Counsel as to their legal sufficiency.
- c. A certificate by the designated City Engineer certifying that the subdivider has complied with one or both of the following alternatives:
  - (1) All or part of the improvements have been installed in accordance with the requirements of these regulations and with the resolution of the Planning Commission granting approval of the Preliminary Plat; or
  - (2) A performance bond or equivalent security has been posted available to the City in sufficient amount to assure completion of all required improvements.
- d. Protective covenants and other appropriate devices in form for recording.
- e. Letters directed to the Chairman of the Planning Commission and signed by a responsible official of any governmental authority or district which must

provide necessary utility service, approving the utility installation design and assuring that adequate service will be available to accommodate the needs of the subdivision.

- f. Letter directed to the Planning Commission signed by a responsible official of the school system acknowledging the number of residential lots, and indicating the availability of existing school facilities for the prospective new pupils, or any needed new school sites and facilities that relate to the subdivision area.
- g. Letter, in appropriate cases, directed to the Planning Commission signed by a responsible official of the State Department of Transportation, approving proposed construction and access on State rights-of-way.

## ARTICLE VIII

### PROVISION FOR CLUSTERING AND OTHER FLEXIBILITY

#### Section 1

#### Application of Section 37 of the General City Law

Whereas pursuant to resolution of the Common Council, the Planning Commission is empowered to modify applicable provision of the Zoning Law in accordance with the provisions of Section 37 of the General City Law for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the procedure and standards for clustering:

- A. REQUEST BY SUBDIVIDER. A subdivider may request the use of Section 37 simultaneously with or subsequent to presentation of the Sketch Plan as per procedure described in Article IV. Any submission subsequent to approval of a Preliminary Plat shall require a reapplication for Sketch Plan review.
- B. SKETCH PLAN. A subdivider shall present along with a proposal in accordance with the provisions of Section 37, a standard Sketch Plan which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to, streets being consistent with the City specifications, and lots being consistent with the Zoning Law.
- C. LANDS FOR PARK, RECREATION, OPEN SPACE AND OTHER PUBLIC PURPOSES. If the application of this procedure results in a plat sketch showing land available for park, recreation, open space, or other public purposes, directly related to the plan, then conditions as to ownership, use and maintenance of such lands as are necessary to assure the preservation of such lands for their intended purposes shall be set forth upon discussion with the Planning Commission.
- D. PLAT SUBMISSION. Upon determination that such Sketch Plan is suitable for the procedures under Section 37 and subsequent resolution by the Planning Commission authorizing the subdivider to proceed, a Preliminary Plat meeting all the requirements of the resolution shall be presented to the Planning Commission and thereafter the Planning Commission shall proceed with the required public hearings and all other requirements of these regulations.
- E. FILING OF SECTION 37 ACTION, NOTATION ON ZONING MAP. Upon the filing of a Final Plat in the office of the County Clerk in which the provisions Section 37 have been applied, the subdivider shall



file a copy with the City Clerk who shall make appropriate notations and reference thereto on the official City Zoning Map. The Secretary of the Planning Commission shall notify the Building and Zoning Administrator when such a plat is filed.

## ARTICLE IX

### WAIVERS, MODIFICATION AND REVIEW

#### Section 1

##### Waivers, of Specific Improvements

The Planning Commission may waive by specific resolution, subject to appropriate conditions and guarantees, for such period as it may determine, the requirements of these Subdivision Regulations relative to the provision and design of any or all required public improvements which in its judgement of the special circumstances of a particular plat or plats are not requisite to the interests of the public health, safety and general welfare of the City, or are not appropriate because of the inadequacy or lack of connecting facilities adjacent to or in the proximity of the proposed subdivision.

#### Section 2

##### Modification of Specific Requirements

Where the Planning Commission finds that compliance with these Subdivision Regulations would cause unusual hardship or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage or other physical features of the site, the minimum requirements of these Subdivision Regulations may be modified by specific resolution of the Planning Commission to mitigate the hardship, provided that the public interest is protected and the development is in keeping with the general spirit and intent of these and other City regulations.

## Section 3

Review of Decisions of  
Planning Commission

Any Officer, Department, Board or Bureau of the City, with the specific approval of the Common Council or any person or persons, jointly or severally aggrieved by any decision of the Planning Commission concerning a Plat decision, may bring a proceeding to review such decision in the manner provided by Article 78 of the Civil Practice Law and Rules in a Court of Record on the ground that such decision is illegal in whole or in part. Such proceeding must be commenced within thirty (30) days after the filing of the decision in the Office of the City Clerk. Commencement of such proceeding shall stay further proceedings upon the decision appealed from.

## ARTICLE X

## AUTHORITY TO SIGN SUBDIVISION PLATS

## Section 1

## Those Authorized

The appropriate officers authorized to sign approved subdivision plats are the Chairman and the Secretary of the Planning Commission, or in their absence, the acting Chairman and the acting Secretary.

## ARTICLE XI

## PLAT VOID IF REVISED AFTER APPROVAL

## Section 1

## Plat Void If Revised After Approval

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Planning

would have approved the same, even if the invalidity of such section or provision or its application has been apparent.

ARTICLE XIV

EFFECTIVE DATE

Section 1

Effective Date

These Land Subdivision Regulations shall be effective upon publication and posting as provided by General City Law.